

Volk, Everett

From: Yashan, Dean [DYashan@mt.gov]
Sent: Wednesday, June 12, 2013 7:15 AM
To: Bostrom, Mark; Gildea, Jason
Subject: RE: Groundwater Permits and TMDLs

The TMDL program applies an LA when specifically addressing MPDES groundwater permits under the assumption that a surface water permit under National Pollutant Discharge Elimination System is not required. If the Department determined that a surface water discharge permit was required for a specific source, then we would use WLA. The TMDL program does not make these determinations and therefore applies WLA or LA based on determinations made via our Permitting or other related programs.

- For the Boulder - Elkhorn Metals TMDL document we used the composite WLA approach (per EPA) for abandoned mining sources since the extent of point vs. nonpoint surface water loading has not been completely defined. BUT, for the DEQ ground water and/or mine permits that were addressed in the Boulder- Elkhorn document we specifically assigned LA's to avoid the implication that we were making surface water point source loading determinations via the TMDL process.
- The Lake Helena document assigned WLA's to septic systems. We no longer do that and if we were to update the Lake Helena document we would want to change from WLA to LA for septic. It seems otherwise that the state of Montana, via the TMDL program, is making a determination that these septic systems meet the definition of a surface water point source discharge under CWA (which I do not believe would be the case).
- I think there have been legal exceptions in the U.S. for a discrete source directly linked to surface water via ground water loading immediately adjacent to a surface water body. Not sure if that is what we did for the mine up at Marysville or not. There might be a push to apply a WLA and MPDES permit to any potential ground water loading from the Otter Creek coal mine storage ponds; this needs to be a Department, not TMDL program decision.
- For Belgrade, we included their site into a composite subsurface wastewater disposal LA or something very similar to that per direction from several DEQ managers at the Coordination meeting. Even if we had addressed Belgrade separately, we still would have applied an LA.

From: Bostrom, Mark
Sent: Tuesday, June 11, 2013 11:30 AM
To: Gildea, Jason; Yashan, Dean
Subject: RE: Groundwater Permits and TMDLs

I can't recall any WLA's. We discussed this on the Lower Gallatin and I think we went LA for Belgrade WWTP.
Is that correct Dean?
Mark

From: Gildea, Jason [<mailto:Gildea.Jason@epa.gov>]
Sent: Tuesday, June 11, 2013 11:25 AM
To: Yashan, Dean; Bostrom, Mark
Subject: Groundwater Permits and TMDLs

I'm trying to remember, do we have a policy or precedent in MT for giving WLAs to permitted groundwater discharges? Can you guys remember, have we included them in past TMDLs (I'm drawing a blank, and haven't seen any in recent TMDLs). Have we even mentioned them in TMDLs?
Let me know if you can think of any, thanks.

Jason
Jason Gildea
Hydrologist, TMDL Program
U.S. Environmental Protection Agency
10 West 15th St.

Suite 3200
Helena, MT 59601
406-457-5028
Gildea.Jason@epa.gov